

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Hermann WAGNER et al.

Group Art Unit: 1765

Serial No.: 10/829,392

Examiner: Patricia A. George

Filed: April 22, 2004

For: METHOD AND APPARATUS FOR REMOVING AN EDGE REGION OF A LAYER APPLIED TO A SUBSTRATE AND FOR COATING A SUBSTRATE AND A SUBSTRATE

**PETITION OF THE RESTRICTION REQUIREMENT UNDER 37 C.F.R. §1.181**

**TECHNOLOGY CENTER 1700**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a petition requesting the Commissioner, through the Honorable Group Director, to reverse the Examiner's decision in instituting a Restriction between Group I (method claims 1-10, 24-31, 34-35, and 38-43), Group II (apparatus claims 11-20), and Group III (product claims 21-23, 32, 33, 36, and 37).

**Statement of Facts**

In the first Office Action of March 10, 2006, the Examiner presented a Restriction Requirement which divided the claims into 3 Groups, i.e., Group I (method claims 1-10), Group II (apparatus claims 11-20), and Group III (product claims 21-23). In support of the Restriction between Groups I and II, the Examiner argued that the claimed apparatus can be used to practice another "materially different" process, namely the removal of contamination from a wafer. In support of the Restriction between Groups I and III, the Examiner argued that the claimed

process can be used to make another materially different product such as a product wherein a center region of a layer is removed.

In the Reply filed March 31, 2006, the applicants traversed the Examiner's rationale presented in support of the Restriction. With respect to the Restriction between Groups I and II, the applicant argued that the Restriction did not demonstrate how the claimed process and the removal of contamination from a wafer would be "materially different" since both involved removal of undesired material from a substrate. Further, the applicant argued that the Restriction did not explain how the apparatus as claimed could be used to remove only particles, rather than a layer of material.

With respect to the Restriction between Groups I and III, the applicant argued that the method could not be used to make a product wherein a center region of a layer was removed, since method claim 1 expressly recited that the process involved "removing said edge region by evaporation by means of said laser beam."

In the Office Action issued June 22, 2006, the Examiner made the Restriction Final. The Examiner did not refute the arguments made by applicant, but instead presented new reasons in support of the Restriction.

With respect to the Restriction between Groups I and II, the Examiner argued that "the process as claimed could be practiced by a materially different apparatus, such as a plasma etcher." With respect to the Restriction between Groups I and III, the Examiner argued that the product as claimed could be made by a materially different process, such as a plasma etching through a mask.

#### **Summary of Argument in Support of Reversal of Denial to Extend the Search**

Applicants respectfully submit that the Examiner has failed to present sufficient reasoning to justify the asserted Restriction.

With respect to the Restriction between Groups I and II, the Examiner presently argues that "the process as claimed can be practiced by a materially different apparatus, such as a plasma etcher." However, this is incorrect. The claimed method expressly recites that the edge region is removed by a laser beam. The Examiner presents no rationale as to how a **plasma** etcher can

remove an edge region by the use of **laser beam**. Thus, the Examiner has not shown that the method can be practiced by a materially different apparatus.

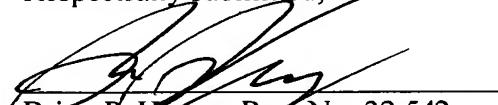
With respect to the Restriction between Groups I and III, the Examiner presently argues that the product as claimed can be made by a materially different process, such as a plasma etching through a mask. However, the Examiner presents no rationale as to how a plasma etching process will achieve the same type of profile for the removed edge region of the layer. See, for example, applicants' Figure 5a of a profile measurement of an edge region that has been removed in accordance with the claimed method. Thus, the Examiner has not shown that the product can be made by a materially different process.

### **Conclusion**

For the forgoing reasons, Applicants request reversal of the Examiner's decision to maintain the Restriction Requirement set forth in the Office Actions of March 10, 2006, and June 22, 2006.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: **KEKO-2**

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